

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA :  
:  
-v- : 13-CR-580-4 (JMF)  
:  
GERALD WILLIAMS, :  
:  
Defendant. :  
:  
-----X

JESSE M. FURMAN, United States District Judge:

On June 5, 2019, the Court received the attached letter, dated May 27, 2019, from Defendant Gerald Williams requesting the appointment of counsel, apparently to bring a claim for relief under the Second Circuit's decision in *United States v. Townsend*, 897 F.3d 66, 68 (2d Cir. 2018). Under the Criminal Justice Act ("CJA"), the Court has authority to appoint counsel for "any financially eligible person who . . . is seeking relief" under 28 U.S.C. § 2255 if the Court "determines that the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). Williams, however, has not filed a motion under Section 2255 and, thus, is not yet "seeking relief" under that provision. And even if he had filed a petition, the Court would not appoint counsel based on the existing record, as any claim that Williams might bring under *Townsend* would appear to be, among other things, time barred and/or procedurally barred. See 28 U.S.C. § 2255(f); *see generally Jerez v. Bell*, No. 19-CV-2385 (CM), 2019 WL 1466899, at \*4 (S.D.N.Y. Apr. 2, 2019) ("In deciding whether to exercise its discretion to appoint counsel under the CJA, courts in this circuit consider the same factors as those applicable to requests for *pro bono* counsel made by civil litigants. Those factors include the likelihood of success on the merits, the complexity of the legal issues and the movant's ability to investigate and present the case." (citations omitted)). Accordingly, Williams's request for counsel is DENIED, without prejudice to a re-application if or when he files a motion under Section 2255.

The Clerk of Court is directed to mail this Order to:

Gerald Williams, Reg. No. 20890-052  
USP Canaan U.S. Penitentiary  
P.O. Box 300  
Waymart, PA 18472

SO ORDERED.

Dated: June 6, 2019  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge

5.27.2019

Dear Honorable Judge Furman:

Hello Mr. Furman. I am writing to you because I have a strong issue to get my sentence resentence under the "Tyrek Townsend" No 17-757-Cr. When ever you have the chance can you please appoint me a Lawyer to help me submit the proper legal way to prepare the motion in your court on my behalf please. I do not have any money to get a Lawyer on this issue for me. I also wrote to the Federal Defenders office explaining the issue, I have in more details under the "Tyrek Townsend" case hoping some one can help me on this very important matter. Thank you so much for reading this letter in hopes you can forward me a Lawyer to handle my concerns as soon as possible. Can you please send me a note letting me know you received this letter. God Bless Mr. Furman.

Sincerely Respectfully  
GERALD E. WILLIAMS  
Gerald E. Williams

United States Penitentiary  
Canaan P.O. Box 300  
Waymart PA. 18472.

C.C

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HONORABLE JUDGE JESSE M. FORMAN  
UNITED STATES SOUTHERN DISTRICT  
COURT OF NEW YORK  
500 PEARL STREET  
NEW YORK, N.Y. 10007

10007-133099

